



**Development Control  
Committee**

**Thursday, 28  
September 2017**

**Matter for  
Information and  
Decision**

**Title:** **Technical Housing Standards (Nationally Described Space Standard) and Subdivision of Residential Properties**

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## **1. Introduction**

- 1.1 This report has been prepared in response to minute reference 13 of the Action List arising from the meeting of Development Control Committee on Thursday 20<sup>th</sup> July 2017. The Action was that The Technical Housing Standards (Nationally Described Space Standard) published by the Department of Communities and Local Government on 27 March 2015 be adopted as soon as reasonably practicable.
- 1.2 This report also considers issues relating to the subdivision of residential properties which is a matter that has come under some scrutiny by Development Control Committee in recent months.

## **2. Recommendation(s)**

- 2.1 That Members note the work currently being undertaken in respect of the optional Nationally Described Space Standards through the preparation of the Local Plan.
- 2.2 Members note that account can given to the Nationally Described Space Standards by officers and applicants in their deliberations during the consideration and determination of planning applications. However, it would not be appropriate to base decisions upon these standards given that they do not comprise fully evidenced and justified planning policy as referred to in this report.
- 2.3 That Members note the position regarding the Subdivision of residential properties and the work currently being undertaken to inform the Local Plan in this regard.

## **3. Information**

### **Technical Housing Standards (Nationally Described Space Standard)**

- 3.1 The Technical Housing Standards (Nationally Described Space Standard) was published by the Department of Communities and Local Government on 27 March 2015. A copy of the standard is attached as an **Appendix**. Its publication was accompanied by a Planning Update issued as a Written Ministerial Statement to Parliament by the Rt. Hon. Sir Eric Pickles MP on 25th March 2015.
- 3.2 In introducing the standards the Written Ministerial Statement outlines:

*'New homes need to be high quality, accessible and sustainable. To achieve this, the government has created a new approach for the setting of technical standards for new housing. This rationalises the many differing existing standards into a simpler, streamlined system which will reduce burdens and help bring forward much needed new homes.'*

- 3.3 However, the Written Ministerial Statement is also clear that the standards are optional and that compliance cannot be required outside of a relevant current Local Plan policy:

*'From 1 October 2015: Existing Local Plan, neighbourhood plan, and supplementary planning document policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.'*

- 3.4 This is in order that the need for the application of the standards through planning policy is fully evidenced and that the impact on viability is considered alongside all of the other policies contained in the Plan:

*'The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.'*

- 3.5 The reference to the National Planning Policy Framework relates to paragraph 174 which states:

*'Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.'*

- 3.6 The reference to the National Planning Guidance relates to the following:

*Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:*

- need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
- viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
- timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.*

- 3.7 Work is currently at an advanced stage in the preparation of the Local Plan and as part of this process evidence is being prepared that will inform whether the space standards can be adopted by the Council. In addition, an independent viability study is being undertaken of the whole Local Plan to ensure that the effect of all of the policies in the Local Plan, when taken together, address matters of viability.

- 3.8 A pre-submission draft of the Local Plan is intended to be taken to Policy, Finance and Development Committee on 31 October 2017. It is likely that the Local Plan will be adopted during 2018.
- 3.9 In the meantime the Written Ministerial Statement is clear that internal space can be interpreted by reference to the nearest equivalent new national technical standard (ie in this instance the National Space Standard) so account can be given to the standards by planning officers and applicants in their deliberations during the consideration and determination of planning applications.
- 3.10 It is of note that the Council's Environmental Health Team has its own standards relating to Houses in Multiple Occupation and private rented accommodation which it uses to inform its comments on planning applications (on the basis that, as is reasonable, they won't know if they're to be owner occupied or rented). Similarly, account can be given to these standards by planning officers and applicants in their deliberations during the consideration and determination of planning applications. However, it would not be appropriate to base decisions upon these standards given that they do not comprise fully evidenced and justified planning policy as referred to in previous paragraphs.
- 3.11 It must be noted that if evidence suggests that the Council should adopt a space standard for new residential development, it would not preclude subdivision of existing residential properties. Space standards would only be relevant to room sizes and not the principle of subdivision.

### **Subdivision of existing residential properties**

- 3.12 Development Control Committee has recently considered planning applications involving the sub-division of existing residential houses to create flats. Comments have been expressed including that such sub-division results in a loss of family homes.
- 3.13 In principle, the sub division of a residential house to form flats is in conformity with the National Planning Policy Framework which talks of meeting the housing needs of an area and taking account of market signals.
- 3.14 In terms of market housing (i.e. not including affordable housing), the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) identifies an increase in the need for 1 bedroom dwellings of 6% across Leicester and Leicestershire up to 2031 compared to a baseline position in the Borough where in 2011, 5% of the Borough housing stock consisted of 1 bedroom properties.
- 3.15 By comparison, the HEDNA identifies an increase in the need for 3 bedroom dwellings of 50% across Leicester and Leicestershire up to 2031 compared to a baseline position in the Borough where in 2011, 48% of the Borough housing stock consisted of 3 bedroom properties.
- 3.16 Given that the majority of new homes committed to be built on greenfield sites in the Borough will consist of family houses and will therefore meet the need for larger dwellings as identified by the HEDNA, then the sub-division of existing residential houses to form flats will serve to meet the need for smaller properties.
- 3.17 Overall, the current rate of applications received for the sub-division of residential houses to create flats does not appear to indicate an imbalance with the evidence provided by the HEDNA, although a fuller analysis is being undertaken as part of the

evidence that will inform the Local Plan. Furthermore, there is a close relationship between the sub-division of residential houses and the market – subdivision is not likely to take place if the market does not provide people who would purchase or rent the flats resulting from the sub-division.

- 3.18 Nevertheless, there is scope for the Council to strengthen its Local Plan in this respect. The Council's Landscape Character Assessment is in the process of being reviewed and will provide evidence in support of the Local Plan. The Landscape Character Assessment can be used to consider the extent to which the subdivision of residential houses has an impact on the character of the area. Where subdivision can be evidenced to have a negative impact upon the character of the area, then this can be managed through the application of planning policy. Currently, it is proposed that the policy referring to housing choices in the Local Plan (see paragraph 3.8) will specify the following:

*All residential proposals will need to reflect the character of the area in which they are located. Sub-division of plots and / or existing residential properties that are considered to be 'out of character' within the locale will be refused, unless the benefits of any proposed development are considered to outweigh the negative impact.*

*All residential proposals for sub-division will be considered on a case by case basis, taking account of the cumulative impacts and any other material considerations.*

*To ensure that new residential development promotes healthy living and dwellings are of the appropriate size for its proposed occupants; (unless there is a demonstrable reason for not doing so) all new dwellings should provide sufficient space for kitchen, dining, bedroom, and living facilities and should include appropriate levels of internal storage.*

#### **Background Documents:**

Appendix - Technical Housing Standards (Nationally Described Space Standard)

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**Implications** | Technical Housing Standards (Nationally Described Space Standard) and Subdivision of Residential Properties

<b>Finance</b>	There are no implications.
<b>Adrian Thorpe</b> Head of Planning, Development and Regeneration	
<b>Legal</b>	There are no implications.
<b>Adrian Thorpe</b> Head of Planning, Development and Regeneration	
<b>Corporate Risk(s) (CR)</b>	<input checked="" type="checkbox"/> <b>No Corporate Risk(s) Identified</b>
<b>Adrian Thorpe</b> Head of Planning, Development and Regeneration	
<b>Corporate Priorities (CP)</b>	<input checked="" type="checkbox"/> <b>An Inclusive and Engaged Borough (CP1)</b>  The purpose of the planning system is to contribute to the achievement of sustainable development by by identifying and coordinating development requirements, providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment and associated landscape.  <input checked="" type="checkbox"/> <b>Balanced Economic Development (CP3)</b> As above.
<b>Adrian Thorpe</b> Head of Planning, Development and Regeneration	
<b>Vision &amp; Values (V)</b>	<input checked="" type="checkbox"/> <b>"A Strong Borough Together" (Vision)</b>  The purpose of the planning system is to contribute to the achievement of sustainable development by by identifying and coordinating development requirements, providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment and associated landscape.
<b>Adrian Thorpe</b> Head of Planning, Development and Regeneration	
<b>Equalities &amp; Equality Assessment(s) (EA)</b>	There are no implications.
<b>Adrian Thorpe</b> Head of Planning, Development and Regeneration	<input checked="" type="checkbox"/> <b>Not Applicable (EA)</b>